

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

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**IN RE: PRADAXA (DABIGATRAN  
ETEXILATE) PRODUCTS  
LIABILITY LITIGATION**

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**3:12-md-02385-DRH-SCW  
MDL No. 2385**

**This Document Relates to:  
ALL CASES**

**CASE MANAGEMENT ORDER No. 24  
Deadlines to Answer, Otherwise Plead, or Respond/Reply to Pending  
Motions in  
Cases Transferred to MDL 2385**

**Herndon, Chief Judge:**

The Court hereby issues the following Order relating to cases that are transferred to MDL 2385 and are not otherwise subject to the deadlines in Case Management Order (CMO) 1. For transferred cases, the following provisions and deadlines shall apply:

1. For any member action that was filed in a transferor district court in which Defendant(s) were properly served with process and the matter was transferred by the Judicial Panel on Multidistrict Litigation (JPML) to MDL 2385 before Defendant(s) answered or otherwise pled in response, Defendant(s) must answer or otherwise plead within 45 days of transfer of the case to MDL 2385

or after the date of this Order, whichever is later.<sup>1</sup>

2. For any member action that was filed in a transferor district court and transferred by the JPML to MDL 2385 prior to valid service upon Defendant(s), such Defendant(s) must answer or otherwise plead in response within 45 days of valid service of the Complaint or, if service was made in such an action prior to the entry of this Order but after transfer, then 45 days after the entry of this Order. If Plaintiff submits a valid Rule 4 request for waiver of service of process that is executed by Defendant(s), then Defendant(s) must answer or otherwise plead within 60 days of the date of the waiver or the date of this Order, whichever is later.
3. For any member action that was filed in a transferor district court and motion(s) were filed by any party, Defendant Boehringer Ingelheim Pharmaceuticals, Inc. will inform the Court of such pending motions per the terms of CMO 9. If a motion was filed but no response or reply was yet submitted due to transfer and/or stay, the responding party must file its response within 45 days of transfer of the action or after the date of this Order, whichever is later. The moving party may file its reply brief, if any, within 14 days of the response.<sup>2</sup>

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<sup>1</sup> “Transfer” is defined as the date on which the member case is opened by the Clerk of the Southern District of Illinois.

<sup>2</sup> The inclusion of this deadline does not mean that the filing of a reply brief is appropriate or will be permitted in every case. Pursuant to this Court’s Local Rules, “[r]epley briefs are not favored and should be filed only in exceptional circumstances.” S.D. Ill. Local Rule 7.1(c) (emphasis supplied). If a reply brief

The Court further ORDERS that these deadlines shall apply irrespective of a stay previously entered by a transferor court. The parties may request an extension of the above deadlines by means of a stipulated order submitted to the Court. In no event may Plaintiffs file a request for default without first contacting Defendant(s) and allowing 21 days for remedy.

**IT IS SO ORDERED.**

 Digitally signed by David  
R. Herndon  
Date: 2013.02.22 09:57:31  
-06'00'

**Chief Judge  
United States District Court**

**Date: February 22, 2013**

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is filed, the filing party **must state the exceptional circumstances warranting the filing of the reply brief.** *Id.*